

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MALINDA S. SMIDGA, FRANCES CURD,
and KAYLA MANDENG, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

SPIRIT AIRLINES, INC.,

Defendant.

Civil Action No. 2:22-cv-01578-MJH

[PROPOSED] ORDER

AND NOW, on this ____ day of _____, 2023, upon consideration of the Motion to Dismiss the Consolidated Amended Complaint under Federal Rules of Civil Procedure 12(b)(1) and (12)(b)(6) filed by Defendant Spirit Airlines, Inc.,

IT IS ORDERED:

That the Consolidated Amended Complaint be and hereby is **DISMISSED WITH PREJUDICE** for lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1); and

Further that the Consolidated Amended Complaint be and hereby is **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b)(6).

BY THE COURT:

Hon. Marilyn J. Horan